

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION,
OPIATE LITIGATION

MDL NO. 2804

Case No. 17-MD-2804

Judge Dan Aaron Polster

THIS DOCUMENT RELATES TO:

<i>Rees v. McKesson Corporation, et al.</i> MDL Case #1:18-OP-45252	<i>Ellis v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45464	<i>Simonson v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45479
<i>Wood v. Purdue Pharma L.P., et al.</i> MDL Case #1:18-OP-45264	<i>DeMaro v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45465	<i>Delancey v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45480
<i>Salmons v. Purdue Pharma L.P., et al.</i> MDL Case #1:18-OP-45268;	<i>Cruz v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45466	<i>Stewart v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45481
<i>Ambrosio v. Purdue Pharma L.P., et al.</i> MDL Case #1:18-OP-45375	<i>Paul v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45467	<i>Shenmake v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45482
<i>Flanagan v. Purdue Pharma L.P., et al.</i> MDL Case #1:18-OP-45405	<i>Lechuga v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45468	<i>Weatherwax v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45483
<i>Whitley v. Purdue Pharma LP., et al.</i> MDL Case #1:18-OP-45598	<i>Brumbarger v. Purdue Pharma, LP., et al.</i> MDL Case No. #1:19-op-45469	<i>Martinez v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45484
<i>Roach v. McKesson Corporation, et al.</i> MDL Case No. #1:18-OP-45662	<i>Means v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45470	<i>Warren v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45486
<i>Hunt v. Purdue Pharma L.P., et al.</i> MDL Case No. #1:18-OP-45681	<i>Peterson v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45472	<i>Carlson v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45487
<i>Hanlon v. Purdue Pharma L.P., et al.</i> MDL Case No. #1:19-op-45052	<i>Hampel v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45473	<i>Flach v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45488
<i>Doyle v. Purdue Pharma L.P., et al.</i> MDL Case No. #1:18-op-46327	<i>Whittaker v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45475	<i>Ivie v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45489
<i>Moore v. Purdue Pharma L.P., et al.</i> MDL Case No. #1:18-op-46305	<i>Tuttle v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45476	<i>Cherry v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45490
<i>Artz v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45459	<i>Hamawi v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45477	<i>Ortiz v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45492
<i>Rodriguez v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45463	<i>Gauthier v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45478	<i>Meinecke v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45493

<i>Brant v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45494	<i>Martin v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45510	<i>Massey v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45525
<i>Williams, v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45485	<i>Gibson v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45515	<i>McAnany v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45526
<i>Alexander v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45502	<i>Goldman v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45516	<i>Shockley v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45527
<i>Berzinski v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45503	<i>Goss v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45518	<i>Taylor v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45528
<i>Johnson v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45504	<i>Herring v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45519	<i>Taylor v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45529
<i>Hutchins v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45505	<i>Howell v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45520	<i>Tindall v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45530
<i>Muffley v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45507	<i>Johnson v. Purdue, Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45521	
<i>Martin v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45508	<i>Kommer v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45522	
<i>Kirk v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45509	<i>Lyle v. Purdue Pharma, L.P., et al.</i> MDL Case No. #1:19-op-45524	

**MOTION FOR LEAVE TO FILE NAS BABY PLAINTIFFS' MOTION TO
MODIFY PROTECTIVE ORDER RE: DEA'S ARCOS/DADS DATABASE**

Plaintiffs, and all similarly situated, through undersigned counsel, respectfully move for leave to file the attached NAS Baby Plaintiffs' Motion to Modify Protective Order Re: DEA's ARCOS/DADS Database for the following reasons:

Counsel for the NAS Babies have been seeking access to the ARCOS data for some time but have not yet been granted access or a clear response to counsels' requests by the PEC, despite repeated inquiries. The omission of the NAS Babies from the Protective Order has created an ambiguous and prejudicial situation, as all Plaintiffs in the MDL are required to amend their complaints utilizing ARCOS information to add or dismiss defendants. (Rec. Doc. #739) On June 12, 2019 the liaison counsel for the PEC emailed Plaintiffs, chastising them for naming certain distributor defendants in inapplicable jurisdictions per ARCOS data that NAS Baby Plaintiffs have never seen. The

correspondence went so far as to raise the prospect of the dismissal of claims. This is an untenable, unfair and prejudicial situation; an Order explicitly allowing the NAS Baby Plaintiffs access to the ARCOS/DADS data is necessary for the NAS Baby Plaintiffs to take the appropriate steps to litigate their claims and amend their complaints to reflect the ARCOS data as required.

For these reasons, leave to file the motion should be granted.

Respectfully submitted,

/s/Celeste Brustowicz

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 2019, a copy of the above and foregoing has been electronically filed with the Clerk of Court using the CM/ECF system, which provides an electronic service notification to all counsel of record registered as CM/ECF users.

/s/ Celeste Brustowicz